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FILED

MAR 10 2010

**SECRETARY, BOARD OF
OIL, GAS & MINING**

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
et al.,

Petitioners,

Docket No. 2009-019
Cause No. C/025/0005

DIVISION OF OIL, GAS AND MINING,

Respondent, and

ALTON COAL DEVELOPMENT, LLC, and
KANE COUNTY, UTAH,

Intervenors-Respondents.

**PETITIONERS' MOTION FOR CERTIFICATION OF BOARD MEMBERS' STATUS
CONCERNING FINANCIAL INTERESTS IN COAL MINING OPERATIONS
AND FOR RECUSAL OF EACH MEMBER WHO HOLDS ANY SUCH INTEREST
THAT THE BOARD'S DECISIONS MAY AFFECT**

Pursuant to 30 U.S.C. § 1217(g) and 30 C.F.R. § 705.4(d), Utah Chapter of the Sierra Club ("Sierra Club"), Southern Utah Wilderness Alliance ("SUWA"), Natural Resources Defense Council ("NRDC"), and National Park Conservation Association ("NPCA")(collectively, "Petitioners") respectfully move that each member of the Board either (1) certify in a document that is accessible to the public that he or she does not have a direct or indirect financial interest in any Utah coal mining operation or in any other coal mining operation that the decisions of this Board may affect, or (2) immediately recuse himself or herself from further proceedings in this matter. The grounds for this motion are set forth in the accompanying memorandum in support of this motion.

WHEREFORE, Petitioners request that each member of the Board either (1) certify in a document that is accessible to the public that he or she does not have any direct or indirect financial interest in any Utah coal mining operation or any other coal mining operation that this Board's decisions may affect, or (2) immediately recuse himself or herself from any further involvement in these proceedings.

Dated: March 10, 2010

Respectfully submitted,

By:



Attorneys for Utah Chapter of the
Sierra Club, *et al.*

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of March, 2010, I served a true and correct copy of **PETITIONERS' MOTION FOR CERTIFICATION OF BOARD MEMBER'S STATUS CONCERNING FINANCIAL INTERESTS IN UTAH COAL MINING OPERATIONS AND FOR RECUSAL OF EACH MEMBER WHO HOLDS ANY SUCH INTEREST THAT THE BOARD'S DECISIONS MAY AFFECT** to each of the following persons via e-mail transmission and United States first-class mail, postage pre-paid:

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